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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,094	12/17/2001	Adrian Yap	PD-201168	4851

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EXAMINER

HOSSAIN, FARZANA E

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,094

Applicant(s)

YAP ET AL.

Examiner

Farzana E. Hossain

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) 8-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 50-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to communications filed 07-05-06. Claim 1 is amended. Claims 2-7 are original. Claims 8-49 are withdrawn. Claims 50-61 are new.

Response to Arguments

2. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 3-6, 50-54, 56-58, 60, 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (US 2005/0144641 and hereafter referred to as "Lewis").

Regarding Claims 1, 54, and 58, Lewis discloses a system for providing content, a method of recording content (Figure 3D), a television receiver comprising a control unit (Figure 1, 3, Figure 2a, 13) for displaying a parameter menu of selectable parameters (Page 14, paragraph 0152, Figure 3D) to be used for recording current or future viewed encrypted content or selecting encrypted programs to record (Page 14, paragraph 0143-0145); and a user interface (Figure 2a, 17), for selecting at least one parameter from the parameter menu via a user interface in order to effect a recording a operation for the encrypted content (Page 14, paragraph 0152, Figure 3D), a storage device (Figure 1, 4, Figure 2a, 14) for storing the encrypted content locally (Page 14, paragraph 0143-0145, Pages 9-10, paragraph 0098-0099, Page 16, paragraph 0160); receiving a request to display the encrypted content (Page 14, paragraph 0143-0145) ; a decrypter or descrambler and/or processor (Page 14, paragraphs 0143-0145) for decrypting the encrypted content when the content is authorized for display in response to the request to display the encrypted content or preparing a stored scrambled program for display and paying fees to ensure authorizing (Page 14, paragraph 0143-0145); and a decoder or processor and output circuit (Figure 2a, 12, Figure 2b, 12, 27, Page 14, paragraph 0143-0145) for presenting or displaying the decrypted content (Page 14, paragraph 0143-0145).

Regarding Claims 3, 56, and 60, Lewis discloses all the limitations of Claims 1, 54, and 58 respectively. Lewis discloses that the parameter menu is displayed as part

of any displayed content of an electronic program guide (EPG) (Figure 3a-3i, Page 14, paragraph 0152).

Regarding Claims 4, 57, and 61, Lewis discloses all the limitations of Claims 1, 54, and 58 respectively. Lewis discloses the parameters include a time of a program (Page 14, paragraph 0152). Although, Lewis does not explicitly state the date or desired channel, it is necessarily included that a program from menu is selected via date as the date is included in current or future programming when selecting by time (Page 14, paragraph 0152) and programs can be selected based on channels (Page 11, paragraph 0116).

Regarding Claim 5, Lewis discloses all the limitations of Claim 4. Lewis discloses comprising displaying EPG content (Figures 3a-3i) so as to identify actors in a programs listed or featured performers listed on displayed menu (Figure 3B), other showings on the displayed menu or other times (Page 14, paragraph 0152); wherein user interface is selected from at least one graphical user interface (GUI) (Figure 3a-3i) at a set top box (STB) (Figure 2B, 11, Figure 1, 20, Page 6, paragraph 0045) or a remote control (Page 8, paragraph 0081) accessing the STB (Figure 2B, 11, Figure 1, 20).

Regarding Claim 6, Lewis discloses all the limitations of Claim 5. Lewis discloses manipulating the displayed EPG data to check for time conflicts between programs and to select alternate tuners for the STB (Figure 2B, 21-24).

Regarding Claim 50, Lewis discloses all the limitations of Claim 1. Lewis discloses receiving a payment before decrypting the encrypted content (Page 14, paragraphs 0143-0145).

Regarding Claim 51, Lewis discloses all the limitations of Claim 1. Lewis discloses the encrypted content is encrypted using a first encrypting scheme or scrambled by the broadcaster (Page 14, paragraphs 0143-0145).

Regarding Claim 52, Lewis discloses all the limitations of Claim 51. Lewis discloses the encrypted content is encrypted using a second encrypting scheme or processing which allows content to be stored in the scrambled content (Page 14, paragraphs 0143-0145).

Regarding Claim 53, Lewis discloses all the limitations of Claim 52. Lewis discloses decrypting or descrambling the content using the de-scrambler prior to encrypting or processing the content using the second encryption scheme or processing (Page 14, paragraphs 0143-0145).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 55, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Ellis et al (US 2003/0149988 and hereafter referred to as "Ellis").

Regarding Claims 2, 55, and 59, Lewis discloses all the limitations of Claims 1, 54, and 58 respectively. Lewis is silent on the parameter menu is mutually exclusive of any displayed content of an EPG. Ellis discloses a method of recording content including pay per view content (Figures 14a, 14b, Page 3, paragraph 0060), comprising displaying a parameter menu of selectable parameters (Figure 14a, 1331) to be used for recording content or selecting programs to record (Figure 14, 1331); and selecting at least one parameter from the parameter menu via a user interface in order to effect a recording a operation for the content or using a television display to select program to record after selecting parameter "yes" whether (Pages 11-12, paragraph 0134) and being authorized to view the program after paying for the program (Page 12, paragraph 0139). Ellis discloses the parameter menu is mutually exclusive of any displayed content of an EPG or parameter menu can be displayed outside of the EPG such as while watching a program (Figure 14a, 1331). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Lewis to include that the parameter menu is mutually exclusive of any displayed content of an EPG or parameter menu can be displayed outside of the EPG such as while watching a program (Figure 14a, 1331) as taught by Ellis in order to provide a user with a more convenient and easier way of choosing to record programs as the viewer does not have to view an EPG to select recordings.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Lortz et al (US 6,49,410 and hereafter referred to as "Lortz") of and Wang (US 6,675,385).

Regarding Claim 7, Lewis discloses all the limitations of Claim 5. Lewis is silent on pausing currently viewed content when the EPG is displayed. Lortz discloses a user interface with a set top box (Figure 1, 10) and remote control (Figure 1, 24) controlling the display (Figure 1, 22). Lortz discloses pausing the currently viewed content of a television program and displaying alternative content or web content (Figure 2, 44, Column 3, lines 56-65) and the user can navigate between the web pages (Column 4, lines 1-17). Wang discloses a system which includes a STB which receives an EPG (Column 3, lines 30-38); the user interface and the STB allows the user to navigate the EPG (Column 3, lines 63-67, Column 4, lines 1-8); and the EPG is in HTML format with assigned URLs (Column 3, lines 63-66). Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Lewis to pause the currently viewed content of a television program and display alternative content or web content (Figure 2, 44, Column 3, lines 56-65) as taught by Lortz in order to prevent the user from missing the program. Therefore, it would have been obvious at the time the invention was made to one of ordinary skill in the art to modify Lewis to include EPG in HTML format with assigned URLs (Column 3, lines 63-66) as taught by Wang in order to reduce the amount of memory to store an EPG locally (Column 2, lines 38-41) and to provide a more efficient EPG in terms of processing power and cost (Column 2, lines 47-49) as disclosed by Wang.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
August 18, 2006


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